

provided to his employer and certain insurance representatives during his pre-employment interview and during the investigation of his alleged injury. While the Appeals Board acknowledges discrepancies exist in claimant's testimony, this does not alter the fact that claimant's testimony, regarding the actual fall on March 20, 1995, remains basically uncontradicted. As such, the Appeals Board finds there is sufficient evidence in the record to support a finding that claimant has met his burden of proving that he suffered accidental injury on or about March 20, 1995, which arose out of and in the course of his employment with respondent.

The respondent's contentions regarding claimant's contradictory statements made to the various doctors, and the doctor's opinions regarding symptom magnification, or falsification of symptoms by claimant, leads more to the issue of the nature and extent of claimant's injury and disability which is not an issue before the Appeals Board at this time. As such, these matters will not be commented upon by the Appeals Board.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Floyd V. Palmer, dated September 21, 1995, shall be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of December 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: George H. Pearson III, Topeka, Kansas
Wade A. Dorothy, Lenexa, Kansas
Floyd V. Palmer, Administrative Law Judge
Philip S. Harness, Director